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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;  
ORACLE AMERICA, INC., a Delaware  
corporation; and ORACLE INTERNATIONAL  
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;  
SETH RAVIN, an individual,

Defendants.

Case No 2:10-cv-0106-LRH-PAL

**ORACLE'S MOTION TO SEAL  
PORTIONS OF ITS MOTION FOR  
PARTIAL SUMMARY JUDGMENT  
AND CERTAIN SUPPORTING  
DOCUMENTS**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010, Dkt. 55 (“Protective Order”), and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation (collectively “Oracle”) respectfully request that the Court order the Clerk of the Court to file under seal certain portions of Oracle’s Motion for Partial Summary Judgment and supporting documents. These portions of Oracle’s motion reflect information that Oracle or Rimini Street, Inc. (“Rimini”) has designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only.”

The Protective Order states, “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ under the terms of this Protective Order *only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c)*. The designation by any Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2 (emphasis supplied).

#### **DOCUMENTS DESIGNATED BY ORACLE AS**

#### **HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY**

Oracle has designated Exhibits 10-17 as Highly Confidential – Attorneys’ Eyes Only.<sup>1</sup> Oracle requests that the Court order the Clerk of the Court to file those exhibits under seal, as well as certain portions of Oracle’s Motion for Partial Summary Judgment, and Oracle’s Statement of Undisputed Facts in Support of its Motion for Partial Summary Judgment, that reflect the information contained in those exhibits. Unredacted versions of these documents were individually lodged under seal with the Court on March 30, 2012.

<sup>1</sup> All Exhibits referred to in this motion are attached to the Appendix of Exhibits Cited in Support of Oracle’s Motion for Partial Summary Judgment.

Documents may not be sealed in connection with a dispositive motion absent a “compelling reason.” *Selling Source, LLC v. Red River Ventures, LLC*, 2:09-CV-01491-JCM, 2011 WL 1630338 \*4 (D. Nev. Apr. 29, 2011) (citing *Pintos v. Pac. Creditors Ass’n*, 565 F.3d 1106, 1115 n. 4 (9th Cir.2009)). Exhibits 10-17 are license agreements between Oracle and its customers. Oracle designated each of those agreements “Highly Confidential,” which reflects, in Oracle’s best judgment, that the documents contain “extremely sensitive, highly confidential, non-public information, consisting either of trade secrets or other highly confidential documents related to current or future business plans, protocols or strategies, the disclosure of which . . . would be likely to cause competitive or business injury to [Oracle] (other than injury to [Oracle’s] position in this Action).” Protective Order ¶ 4. In particular, these license agreements contain confidential terms related to the customers’ licensed use of Oracle’s enterprise software. Oracle has invested billions to acquire and develop this software, and it relies on licensing to recoup some of those costs. Disclosure of the confidential terms of the licenses could interfere with Oracle’s ongoing licensing efforts. Thus, there is a compelling interest for those documents to be sealed. *Selling Source*, 2011 WL 1630338 at \*6 (“Where the material includes information about . . . agreements with clients, there are compelling reasons to seal the material because possible infringement of trade secrets outweighs the general public interest in understanding the judicial process.”).

**DOCUMENTS DESIGNATED BY RIMINI AS CONFIDENTIAL**

**OR HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY**

Rimini has designated the following documents cited or referred to in Oracle’s motion for summary judgment as Confidential or Highly Confidential – Attorneys’ Eyes Only:

Ex.	Description	Designation
18	Rimini’s Supp. Responses to Oracle’s Interrogatories 7, 15, 28, 29, and 30	Highly Confidential
23	Oracle’s Fifth Set of Interrogatories, Nos. 20-25, Exhibit A	Highly Confidential
24	Rimini’s Third Supp. Responses to Interrogatories 20-22	Highly Confidential
25	Rimini’s Third Supp. Responses to Interrogatories 20-22, First Supplemented Exhibit 1A-3	Confidential
26	Rimini’s Third Supp. Responses to Interrogatories 20-22, Exhibit 1B-2	Confidential
27	Rimini’s Third Supp. Responses to Interrogatories 20-22, Exhibit 1C-3	Confidential

1	28	Rimini's Third Supp. Responses to Interrogatories 20-22, Exhibit 5	Confidential
2			Highly Confidential, Confidential
3	36	Jeff Allen Deposition Excerpts	Confidential
4	37	Oracle Depo. Ex. 568	Confidential
	38	Oracle Depo. Ex. 570	Confidential
	39	Oracle Depo Ex. 312	Highly Confidential
5	40	Doug Baron Deposition Excerpts	Confidential, Highly Confidential
6	41	Dennis Chiu Deposition Excerpts	Confidential, Highly Confidential
7	42	Timothy Conley Deposition Excerpts	Confidential, Highly Confidential
8	43	J.R. Corpuz Deposition Excerpts	Confidential, Highly Confidential
9	44	RSI00479793	Highly Confidential
10	45	Oracle Depo. Ex. 33	Highly Confidential
	46	Oracle Depo. Ex. 34	Highly Confidential
11	47	Ray Grigsby Deposition Excerpts	Confidential, Highly Confidential
12	48	Alecia Holmes Deposition Excerpts	Confidential, Highly Confidential
13	49	Nambirajan Lakshmanan Deposition Excerpts	Confidential, Highly Confidential
14	50	Beth Lester Deposition Excerpts	Confidential, Highly Confidential
15	51	ORCLRS-RSI00910586_00598 for the file HCM101906_U.DAT	Highly Confidential
16	52	ORCLRS-RSI00910434_00001 for the file RS08P06_U.DAT	Highly Confidential
	53	ORCLRS-RSI00910434_00155 for the file RS09P06_M.DAT	Highly Confidential
17	54	George Lester Deposition Excerpts	Confidential, Highly Confidential
18	55	Oracle Depo. Ex. 809	Confidential
19	56	David Radtke Deposition Excerpts	Confidential, Highly Confidential
20	57	Seth Ravin Deposition Excerpts	Confidential, Highly Confidential
21	58	Brian Slepko Deposition Excerpts	Confidential, Highly Confidential
22	59	Susan Tahtaras Deposition Excerpts	Confidential, Highly Confidential
23	60	Oracle Depo. Ex. 112	Confidential
24	61	John Whittenbarger Deposition Excerpts	Confidential, Highly Confidential
25	62	Krista Williams Deposition Excerpts	Confidential, Highly Confidential
	64	Oracle Depo Ex. 38	Highly Confidential
26	65	Oracle Depo Ex. 483	Highly Confidential
	66	Oracle Depo Ex. 480	Highly Confidential
27	67	Second Amended Exhibit B to Oracle's Second Amended Requests for Admission, Nos. 239-240	Highly Confidential
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1 Oracle submits these documents under seal pursuant to the Protective Order based on  
2 Rimini's representation that it reasonably believes there is a valid basis under the Protective  
3 Order for its confidentiality designations. However, Oracle is not in the position to argue that  
4 Rimini's confidentiality designations meet the "compelling interest" standard applicable to a  
5 dispositive motion.

6 Oracle has submitted all other exhibits to the Appendix to the Court's public files, which  
7 would allow public access to all exhibits except for the items listed above. Accordingly, the  
8 request to seal is narrowly tailored. For the foregoing reasons, Oracle respectfully requests that  
9 the Court find there is a compelling interest in filing the documents discussed above under seal.

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12 DATED: March 30, 2012

BINGHAM McCUTCHEN LLP

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15 By: /s/ Geoffrey M. Howard  
16 Geoffrey M. Howard  
17 Attorneys for Plaintiffs  
18 Oracle USA, Inc., Oracle America, Inc.,  
19 and Oracle International Corp.  
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